

Section 3732  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In Re Application of:** S. Kuslich et al  
**Application No.:** 09/909667  
**Filed:** July 20, 2001  
**For:** EXPANDABLE FABRIC BAG  
REDUCTION FIXATION AND  
SUPPORTING OF BONE  
ABNORMALITIES.  
**Examiner:**  
**Group Art Unit:** 3732

Commissioner for Patent  
Washington, D.C. 20231

**Docket No.:** S85.2-9892

**AFFIDAVIT TRANSMITTAL LETTER**

1. In regard to the above-identified application, we are submitting the attached:  
**Response to Notice of Missing Parts; Declaration, Power of Atty, Preliminary Amendment; Figs 19 and 20; Transmittal Letter; and Postcard.**
2. With respect to fees:  
☐ No additional fee is required.  
☒ Attached is check(s) in the amount of \$1072.00  
☐ Charge additional fee to our Deposit Account No. 22-0350.
3. **CONDITIONAL PETITION FOR EXTENSION OF TIME**  
This conditional petition is being filed along with the papers identified in Item 1 above and provides for the possibility that Applicant has inadvertently overlooked the need for a petition and fee for extension of time or for a petition and fee for any other matter petitionable to the Commissioner as required. If any extension of time for the accompanying response is required or if a petition for any other matter is required, by petitioner, Applicant requests that this be considered a petition therefor.
4. Notwithstanding paragraph 2 above, if any additional fees associated with this communication are required and have not otherwise been paid, including any fee associated with the Conditional Petition for Extension of Time, or any request in the accompanying papers for action which requires a fee as a petition to the Commissioner, please charge the additional fees to Deposit Account No. 22-0350. Please charge any additional fees or credit overpayment associated with this communication to the Deposit Account No. 22-0350.

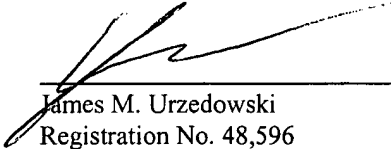
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**TRANSMITTAL LETTER**  
**DOCKET NO.: S85.2-9892**  
**Application No.: 09/909667**

VIDAS, ARRETT & STEINKRAUS

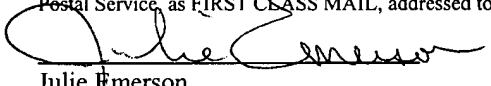
Date: December 10, 2001

By:

  
James M. Urzedowski  
Registration No. 48,596

6109 Blue Circle Drive, Suite 2000  
Minnetonka, MN 55343-9185  
Telephone: (952) 563-3000  
Facsimile: (952) 563-3001

**Certificate Under 37 CFR 1.8:** I hereby certify that this Transmittal Letter and the paper(s) as described herein, are being deposited in the U.S. Postal Service, as FIRST CLASS MAIL, addressed to Commissioner for Patents, Washington D.C. 20231, on December 10, 2001.

  
Julie Emerson



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<b>In Re Application of:</b>	Stephen Kuslich
<b>Application No.:</b>	09/909,667
<b>Filed:</b>	July 20, 2001
<b>For:</b>	AN EXPANDABLE POROUS MESH BAG DEVICE....
<b>Examiner:</b>	
<b>Group Art Unit:</b>	

Box Missing Parts  
Commissioner for Patents  
Washington, D.C. 20231

**Docket No.: S85.2-9892**

**RESPONSE TO NOTICE OF MISSING PARTS**

In response to the Notice to File Missing Parts of Non-Provisional Application mailed September 10, 2001, enclosed for filing please find:

1. A copy of the Notice to File Missing Parts of Application (Form PTO-1533) and a Check for \$1072.00 to cover the filing and surcharge fees.
2. Declaration;
3. Power of Attorney. If from assignee, it is hereby certified that the undersigned has authority to make this certification and has reviewed all the documents in the chain of title of the patent application identified herein and, to the best of undersigned's knowledge and belief, title is in the assignee identified above (37 CFR 3.73(b));
4. Preliminary Amendment;
5. Figures 19 and 20.

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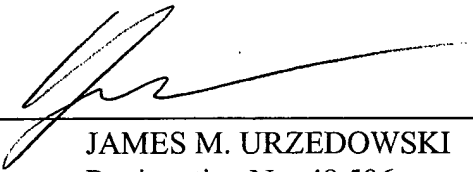
Please charge any additional fees or credit any overpayment associated with this communication to the Deposit Account No. 22-0350.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: December 10, 2001

By:

  
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## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/09,667	07/20/2001	Stephen D. Kuslich	S85.2-9892

JAN 11 2002

PATENT &amp; TRADEMARK OFFICE

490  
VIDAS, ARRETT & STEINKRAUS, P.A.  
6109 BLUE CIRCLE DRIVE  
SUITE 2000  
MINNETONKA, MN 55343-9185



CONFIRMATION NO. 1524

## FORMALITIES LETTER



\*OC000000006537627\*

Date Mailed: 09/10/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

01/17/2002 MWOLDER1 00000059 220350 09909667 FILED UNDER 37 CFR 1.53(b)

01 FC:101 740.00 OP  
02 FC:102 168.00 OP  
03 FC:103 72.00 OP  
04 FC:105 38.00 CH 92.00 OP

## Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$232.
  - \$72 for 4 total claims over 20.
  - \$160 for 2 independent claims over 3.
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 1072.**

The following item(s) appear to have been **omitted** from the application:

- Figure(s) **19 and 20** described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed.

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ORIGINALLY FILED

within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b)**. In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

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*A copy of this notice MUST be returned with the reply.*

K. SAYSON  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE